United Nations A/72/PV.97

# General Assembly

Seventy-second session

*Official Records*

**97**th plenary meeting
Friday, 22 June 2018, 10 a.m.
New York

*President*: Mr. Lajčák ..... (Slovakia)

*In the absence of the President, Mr. Brown (Liberia), Vice-President, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 7** (*continued*)

**Organization of work, adoption of the agenda and allocation of items**

**The Acting President**: I now invite the attention of the General Assembly to the memorandum by the Secretary-General contained in document A/72/872, in which the Secretary-General draws the attention of the Assembly to the resignation of Judge Hisashi Owada (Japan) as a member of the International Court of Justice, effective 7 June 2018.

Therefore, a vacancy in the Court has occurred which needs to be filled by an election in accordance with the provisions of the Statute of the Court and the rules of procedure of the General Assembly.

Members will recall that the General Assembly concluded its consideration of sub-item (c) of agenda item 113 at its 57th plenary meeting, on 20 November 2017.

In order for the Assembly to proceed with the election of one member of the Court to fill the vacancy resulting from the resignation, it will be necessary to reopen its consideration of the sub-item. May I take it that it is the wish of the General Assembly to reopen the consideration of sub-item (c) of agenda item 113?

*It was so decided.*

**Agenda item 113** (*continued*)

**Elections to fill vacancies in principal organs**

**(c) Election of five members of the International Court of Justice**

**Memorandum by the Secretary-General (A/72/872)**

**Curricula vitae (A/72/873)**

**Note by the Secretary-General (A/72/874)**

**The Acting President**: I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it the following: document A/72/872, which contains a memorandum by the Secretary-General on the vacancy that has occurred in the Court resulting from the resignation of Judge Hisashi Owada (Japan), as well as on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; document A/72/873, which contains the name of the candidate nominated by national groups; and document A/72/874, which contains the curriculum vitae of the candidate nominated by national groups.

In this connection, I have received information from the Legal Counsel that, after the established deadline for nominating candidates, additional nominations with respect to the candidate whose name appears in document A/72/873 was received. The additional nominations in question are from the national groups of Slovenia and Paraguay.

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This election will be held in accordance with the Statute of the Court, in particular Articles 2 to 4, 7 to 10 and 14, and rules 150 and 151 of the rules of procedure of the General Assembly. According to Article 2 of the Statute, members of the Court are to be elected regardless of their nationality from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be ensured.

To be elected, the candidate must obtain an absolute majority of votes both in the General Assembly and in the Security Council, pursuant to Article 10, paragraph 1, of the Statute. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote.

The electors in the General Assembly will be all 193 Member States. Accordingly, 97 votes constitute an absolute majority in the Assembly for the purpose of the present election.

For the present election, only the one candidate whose name appears in document A/72/873 is eligible. Therefore, only that name will appear on the ballot paper. The electors in the General Assembly shall indicate if they wish to vote for the candidate by placing a cross against the name on the ballot paper. In accordance with Articles 5 and 7 of the Statute, no additional candidates may be nominated on the day of the election.

At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion was held as to whether rule 94, which was then rule 96, of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority.

The Assembly decided that the rule did not apply to elections to the Court and proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently. Accordingly, if in the first ballot in the General Assembly, the candidate does not receive an absolute majority, a second ballot will be held and balloting will continue at the same meeting until the candidate has obtained the absolute majority, pursuant to rule 151 of the rules of procedure of the Assembly.

When a candidate has obtained the absolute majority in the Assembly, the President of the Assembly will notify the President of the Security Council accordingly. Such notification will not be communicated by the President of the Security Council to its members until the candidate receives the absolute majority of votes in the Council.

Upon the exchange of notifications between the General Assembly and the Security Council informing each other that the candidate has received the absolute majority in both the General Assembly and the Security Council, each organ will announce that the candidate has been elected.

The first meeting held for the purpose of the election, as referred to in Article 11 of the Statute of the Court, will be adjourned upon the exchange of notifications and the announcement of the results in both organs.

I should like to confirm that at this time, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy in the Court, in accordance with Article 8 of the Statute of the Court.

May I take it that the General Assembly agrees to these procedures at this election?

*It was so decided.*

**The Acting President**: I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting".

We shall now begin the voting process. Ballot papers will now be distributed. Ballot papers will be given only to the representative seated directly behind the country's nameplate.

Representatives are requested to use only the ballot papers that are now being distributed and to place a cross to the left of the name of the candidate if they wish to vote for that candidate. If any representative does not wish to vote for this candidate, he or she should leave the space to the left of the name of the candidate blank. Votes may be cast only for the candidate whose name appears on the ballot papers.

*At the invitation of the President, Ms. Bellout (Algeria), Mr. Mikeladze (Georgia), Mr. Arslan (Indonesia), Mr. Irimia Arosemena (Panama), Ms. Rolón Candia (Paraguay) and Mr. López Ortiz (Spain) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 10.30 a.m. and resumed at 10.55 a.m.*

**The Acting President**: The result of the voting is as follows:

| | |
|---|---|
| Number of ballot papers: | 189 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 189 |
| Abstentions: | 5 |
| Number of members present and voting: | 184 |
| Absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Yuji Iwasawa (Japan) | 184 |

Mr. Yuji Iwasawa obtained an absolute majority in the General Assembly. I have communicated the result of the voting to the President of the Security Council.

I have also received from the President of the Security Council the following letter:

> "I have the honour to inform you that, at the 8292nd meeting of the Security Council, held on 22 June 2018 for the purpose of electing one member of the International Court of Justice to fill the seat that became vacant on 7 June 2018, Mr. Yuji Iwasawa of Japan obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Yuji Iwasawa has obtained an absolute majority in both organs. He is therefore duly elected a member of the International Court of Justice to serve for a term of office commencing today, 22 June 2018, and ending 5 February 2021. I take this opportunity to extend to him the congratulations of the Assembly on his election and to thank the tellers for their assistance.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 113?

*It was so decided.*

*The meeting rose at 11 a.m.*